

Order

Michigan Supreme Court
Lansing, Michigan

October 17, 2019

Bridget M. McCormack,
Chief Justice

159476

David F. Viviano,
Chief Justice Pro Tem

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 159476
COA: 345293
Macomb CC: 2017-004415-FH

NEIL ANDREW TRAPP,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 25, 2019 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted to address: (1) whether the constructive-entry doctrine, *United States v Morgan*, 743 F2d 1158 (CA 6, 1984), should be recognized in Michigan and, if so, whether the facts of this case fall within that doctrine; and (2) whether the dispatch report that the police received about an intoxicated man waving a gun around outside a trailer, and the video evidence showing that the police received information when they arrived at the scene about children being present, provided the police with exigent circumstances justifying their action of telling one occupant of the trailer to tell the other occupants to come out.

We do not retain jurisdiction.

VIVIANO, J., did not participate due to a familial relationship with the presiding circuit court judge in this case.



s1010

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 17, 2019

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk